IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 11TH OCTOBER 2007 / 19TH ASWINA 1929

Crl.MC.No. 3133 of 2007()

LP.95/2000 of JUDL. MAGISTRATE OF FIRST CLASS-IV, KOZHIKODE

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PETITIONER: ACCUSED 7 AND 10:

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1. ABDUL MAJEED, S/O.MOHAMMED,
MOOTHEDATH HOUSE, EDAKKARA P.O.,
MALAPPURAM DISTRICT.

2. YOUSUFF, S/O.MOHAMMED,
POTTOOR, EDAKKARA P.O., MALAPPURAM DISTRICT.

BY ADV. SRI.R.BINDU (SASTHAMANGALAM)
SRI.PRASANTH M.P

RESPONDENTS: STATE:

STATE OF KERALA, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR ADV.SRI.M.S.BREEZ

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 11/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER

There is no representation for the petitioner. Same was the situation when the matter was called on 9.10.07. This petition, filed in 2005 remained with orders 'post when moved again' passed on 7.10.05. No attempt has been made to post this case again. It is hence evident that the petitioner is not interested in prosecuting this case.

This Crl.M.C is accordingly dismissed for non-prosecution.

SD/- R.BASANT, JUDGE

/TRUE COPY/

P.A.TO JUDGE

R. BASANT, J.

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Crl.M.C.No. 3133 of 2007

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Dated this the 11th day of October, 2007

O R D E R

The petitioners face indictment in a prosecution for offences punishable, inter alia, under Section 452 I.P.C. They were arrayed originally as accused 7 and 10. The petitioners were not available for trial. The case against the petitioners and some other co-accused was split up. Two of those co-accused had come earlier before this Court and order dt.9.10.2007 in Crl.M.C. 3087 of 2007 was passed in their favour. The short prayer of the petitioners is that the petitioners may also be granted the advantage of the said order.

2. Notice was given. The learned Prosecutor does not raise any objections.

3. I am, in these circumstances, satisfied that the petitioners can also be granted the benefit/advantage of the said order dt.9.10.2007. As I have adverted to facts in detail in that order, it is not necessary for me to advert to facts in any greater detail in this order. This order must be read in continuation of the said order.

4. This Crl.M.C. is accordingly allowed. It is directed that the observations/directions in the order dt. 9.10.2007 in Crl.M.C. 3087 of

2007 shall apply to the petitioners also and the learned Magistrate shall give the advantage of the said order to the petitioners herein also.

(R. BASANT)
Judge

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